

Preliminary Notice of Rejection of the IPO
(Translation)

Issuance Date: August 30, 2004

1. Applicants: AMMONO SP. ZO.O. & Nichia Corporation
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SUBJECT:

After examination, the IPO considers that the subject ROC(Taiwan) Patent Application No. 091125039 has the indefinite points as indicated in the following EXPLANATION. The applicants are required to file a response in duplicate within 60 days from the next day of the mailing date of this notice if any substantive counter-evidence or arguments are present. If the applicants fail to act according to the notice within the time limit, the IPO shall proceed with the examination on the basis of the materials on hand.

EXPLANATION:

1. IPO deals this application according to the provisions of the Patent Law, Articles 48 and 49, and the Enforcement Rules of the Patent Law, Article 28.
2. If the applicants wish to appear before the IPO for a face-to-face demonstration or explanation, please explicitly indicate "Interview Requested" in the response. The place and time for conducting an interview will be arranged if the IPO considers it necessary and a government fee of NT\$1,000 should be paid.
3. Upon examination, it is considered that:

(1) IPO required the applicants to file the argument and amendment against the Notice of Rejection issued on March 2, 2004. In response to this notice, the applicants submitted arguments and amendments on June 29 and July 30, 2004. Upon examination, it is found that the amendments do not change the substance of the invention. The subject application is examined on the basis of the arguments and amendments on file.

(2) The method of doping the donor/acceptor in the nitride crystal is a well-known technique. For example, a technique of doping Si or Mg in GaN is disclosed in the citation, MRS, V3, 45. (See column 2, Experiment) The difference between the present invention and prior technique is the fact that nitride crystal is formed by dissolving the gallium material in the supercritical fluid comprising an element of Group I according to the present invention. Therefore, the claim 39 should be incorporated into claim 1 so that the technique and the feature of this invention can be defined concretely. Furthermore, claim 4 should be incorporated into claim 1 to define the characteristic of "mono-crystal" concretely so that the Examples in the Description can reasonably be supported. Due to the same reason, claim 39 should be incorporated into claim 50.

(3) The range of "thickness" described in claims 5 and 18 should be clarified to support the specification.

(4) The indefinite words such as "preferably" in claims 10 and 25, "preferably" in claims 30 and 31, and "preferably" in claim 46 should be deleted.

(5) Typing error(s) by Taiwanese attorney.

(6) Enclosed is a citation, MRS, V3, 45.

4. If the applicants make supplements or amendments to the specification or drawings, a written application for such supplements or amendments in duplicate, a marked-up version of the amended specification or drawing pages in duplicate, and a non-marked-up, replacement version of the amended specification or drawing pages in triplicate shall be submitted. If the supplements or amendments render the page numbers of the original specification out of succession, the whole specification with the supplements or amendments in triplicate shall be submitted.

正本

經濟部智慧財產局專利申請案核駁理由先行通知書

受文者：

艾蒙諾公司、日亞化學工業股份有限公司（代理人：陳長文 先生）

地

址：臺北市松山區敦化北路二〇一號七樓

發文日期：

中華民國九十三年八月三十日

發文文號：

（九三）智專二（六）01103字
第〇九三二〇八〇〇二〇〇號

說明：

主旨：第〇九一一二五〇三九號專利申請案經審查後發現尚有如說明三所述不明確之處，台端（貴公司）若有具體反證資料或說明，請於文到次日起六十日內提出申復說明及有關反證資料一式二份。若屆期未依通知內容辦理者，專利專責機關得依現有資料續行審查，請 查照。

一、本案如有補充、修正，應依專利法第四十八條、第四十九條、專利法施行細則第二十八條之規定辦理。

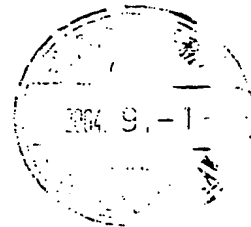
二、若希望來局當面示範或說明，請於申復說明書內註明「申請面詢」，並繳交規費新台幣一千元正，本局認為有必要時，另安排地點、時間舉辦「面詢」。

三、本案經審查認為：

（一）本局於九十三年三月二日以核駁理由先行通知書函申請人申復、修正。申請人於九十三年六月二十九日及七月三十日提出申復、修正，經查該修正並未變更實質，本案依所提申復理由及修正本逕行審查，合先敘明。

（二）氮化物品體摻雜施體／受體元素為習知技術，如期刊MRS, V3, 45揭示以Si或Mg摻雜GaN之技術內容（詳見附件column2, Experiment）。本案異於習知之特點在於本案係將鎵原料溶於含

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第1族元素之超臨界流體中，以成長單晶氮化物。故本案應將申請專利範圍第39項內容併入第1項以具體界定技術內容、特點。此外，應將申請專利範圍第4項內容併入第1項，以具體界定「單晶」之性質，始為說明書實施例所能合理支持之範圍。同理，應將申請專利範圍第39項內容併入第50項。

(三) 申請專利範圍第5、18項應載明「厚度」範圍，始為說明書所能支持者。

(四) 申請專利範圍第10、25項「宜在．．．」、第30及31項「宜以．．．」、第46項「．．．為佳」等用語範圍不明確，應予刪除。

(五) 申請專利範圍第2項「澧度」，第50項「手表面積」係誤繕，一併指出。

(六) 檢附期刊MRS, V3, 45影本。

四、如有補充、修正說明書或圖式、圖說或圖面者，應具備補充、修正申請書一式二份，並檢送補充、修正部分劃線之說明書、圖說修正頁一式二份及補充、修正後無劃線之說明書或圖式替換頁一式三份或全份圖說一式三份；如補充、修正後致原說明書或圖式頁數不連續者，應檢附補充、修正後之全份說明書或圖式一式三份或僅補充、修正圖面者，應檢附補充修正後全份圖面一式三份至局。

經濟部智慧財產局